

June 12, 2007



U.S. Department
of Transportation

East Building, PHH – 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14097
(FIRST REVISION)

EXPIRATION DATE: May 31, 2011

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: S.C. Johnson & Son, Incorporated
Racine, WI
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain non-DOT specification, non-refillable plastic aerosol containers filled with a Division 2.2 propellant gas and a non-hazardous material. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
 - c. Party status will not be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.306(a) in that a plastic non-DOT specification, non-refillable container is not authorized; § 173.306(a)(3)(v) in that each container is not subject to the hot water bath test.
5. BASIS: This special permit is based on the application of S.C. Johnson & Son, Inc., dated June 8, 2007 submitted in accordance with § 107.109.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Consumer commodity	ORM-D	None	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification, non-refillable, plastic aerosol container. The container must be in accordance with the design requirements as described in S.C. Johnson's application for special permit and with S.C. Johnson confidential drawing on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA) and as prescribed below.

(1) Type and size - The total volumetric capacity of the container may not exceed 20 fluid ounces.

(2) Material - The container must be of Polyethylene terephthalate (PET), Polyethylene Napthalate (PEN), Polyamide (Nylon), or of a multilayer blend containing a combination of PET, PEN, Ethylene Vinyl Alcohol (EVOH), and Nylon.

(3) Manufacture - All containers must comply with British Standard BS 5597: 1991 Specification for Non-refillable Plastic Aerosol Dispensers up to 1000ml capacity.

(4) Manufacture - Each container must be manufactured by thermoplastic processes that will assure uniformity of the completed container. No used material other than production residues or regrind from the same manufacturing process may be used.

b. TESTING -

(1) One completed container out of every lot produced must be pressure tested to destruction and may not

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burst below 230 psig. The tested container must be complete with the ends assembled. If the test container fails the burst test, the lot must be rejected; however, an additional five randomly selected containers may be burst tested to qualify that lot. If any of the additional test containers fail the burst test, that lot must be rejected.

(2) Each 3,000 containers or less, successively produced as a batch or part thereof, must constitute a lot. All containers constituting a lot must be of like material, size, design, construction, finish, and quality.

c. MARKING - Each plastic container must be marked "DOT-SP 14097" as specified in § 172.301(c).

d. OPERATIONAL CONTROLS -

(1) The container may not be liquid full at any temperature up to and including 130°F.

(2) The pressure in the container may not exceed 150 psig at 130°F.

(3) Filling verification tests performed on containers as filled for shipment. Each container must be heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 90°F. Any container showing evidence of leakage, distortion, or other defect must be rejected. In addition, one container per lot must be selected randomly. The container must be heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 130° F. If the pressure of the test container exceeds 150 psig or the test container shows evidence of leakage, distortion, or other defect, the lot must be rejected; however, an additional 5 randomly selected containers may be tested to qualify that lot. If any of the additional test containers fail the test, the entire lot must be rejected.

(4) Each container must be packed in strong outside packagings as prescribed in § 173.306(a)(3)(iv), meeting the requirements of § 173.25.

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(5) Packages shipped by aircraft must comply with the provisions in § 173.27.

(6) Each outside packaging must be marked "INSIDE CONTAINERS CONFORM WITH DOT-SP 14097".

(7) Each package may not exceed 30 kilograms (66 pounds) gross weight.

8. SPECIAL PROVISIONS:

a. Test data obtained under paragraph 7.b. of this special permit, must be kept on file and be made available upon request by the OHMSPA. Additionally, the following information must be submitted to OHMSPA:

(1) Burst test results for the first 20 lots tested under paragraph 7.b. of this special permit.

(2) Lading temperature and pressure data for the first 20 lots to verify that the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F without evidence of leakage, distortion, or other defect and that the pressure in the container does not exceed 150 psig at 130°F as specified in paragraphs 7.d.(3) of this special permit.

b. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

c. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

d. Packages permanently marked 'DOT-E 14097', prior to October 1, 2007 may continue to be used under this special permit for the remaining service life of the packaging or until the special permit is no longer valid. Packages marked on or after October 1, 2007 must be marked 'DOT-SP 14097'.

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- e. Shipping papers displaying 'DOT-E 14097' may continue to be used until October 1, 2007, provided the special permit remains valid.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo aircraft only, and passenger-carrying aircraft.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each aircraft used to transport packages covered by this special permit. The shipper must furnish a copy of this special permit to the air carrier before or at the time the shipment is tendered.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term

"exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.



for Bob Richard
Deputy Associate Administrator
for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: CWF/AM